



FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The Committee solicits comment on the following proposals by December 1, 2015. Comments may be sent in writing to Samuel R. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

PROPOSED

The Committee proposes amending MCrimJI 12.3, the instructions pertaining to possession with intent to deliver controlled substances contrary to MCL 333.7401. The amendments eliminate repetitive language and elements, and correct the language in subparagraph (6) of the instruction that exempts a person who is authorized to deliver controlled substances, rather than the current language that exempts for authorized possession. Deletions are in strikethrough; additions are underlined.

[AMENDED] M Crim JI 12.3 Unlawful Possession of a Controlled Substance with Intent to Deliver

(1) The defendant is charged with the crime of illegally possessing with intent to deliver [~~state weight~~] of a [mixture containing a] controlled substance, _____. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant ~~knowingly~~ possessed ~~a controlled substance~~ [identify controlled substance].

(3) Second, that the defendant ~~intended to deliver this substance to someone else~~ knew that he possessed a controlled substance.

(4) Third, that ~~the substance possessed was _____ and the defendant knew it was~~ the defendant intended to deliver the controlled substance to someone else.

{(5) Fourth, that the controlled substance that the defendant intended to deliver [was in a mixture] that weighed (*state weight*).}

[(6) Fifth, that the defendant was not legally authorized to ~~possess~~ deliver the this substance.]